CORRESPONDENCE.

The Recent Bar Examination.—At the recent meeting of the Virginia State Bar Association the following resolutions were offered and referred:

"Resolved, That the recent bar examination given at Roanoke, Virginia, was more difficult than it should have been and did not constitute a fair test of the fitness of applicants for admission to the bar;

"Resolved, further, that the rule which requires the unsuccessful applicant at the examination in June to wait twelve months before being allowed another trial is unreasonable and should be abolished;

"Resolved, third, that the committee on Legal Education and Admission to the Bar be instructed to confer with the Board of Law Examiners and with the Court of Appeals in respect to the foregoing conditions and endeavor if possible to correct same for the future."

The first complaint in these resolutions is that the last examination was too difficult. I do not see how any one can judge our examinations intelligently unless he knows one system of marking. We give partial credit if the answer shows any knowledge of the point involved. Even if the answer is wrong, we give some credit when it is expressed in a lawyer-like way, and is attempted to be deduced from a general principle. We want to test not only the learning but the reasoning powers of the applicant; and we give credit for the latter, although they lead to a conclusion pronounced unsound by some court or text-writer.

The mover of the resolutions is reported to have said that he doubted whether he could have passed the examination himself. That may be true, but it proves nothing. I have heard some of the best lawyers in the State say the same thing about the examinations given by the Court of Appeals. Practicing lawyers are not accustomed to answering legal questions without reference to their books. They have been taught by long and sometimes costly experience to take nothing for granted.

Under our system we grade the papers anonymously, and we do not know the successful applicants ourselves until the list is made up for publication. I have, however, procured a list of the graduates of the University and of Washington and Lee at their last Finals, and also a list of the University law class. I find that eight University graduates stood, and that seven passed. I find also that twenty-one who were not graduates stood, and that fourteen of these passed. One of these undergraduates (Mr. Preston H. Bailey, of Lynchburg) headed the list, with a nearly perfect mark.

As to Washington and Lee, I find that twenty-three of the graduating class stood, and that seventeen passed. I could not find how many of their undergraduates stood.

If two-thirds of the University undergraduates were successful, the examination could hardly be considered too rigid, despite the fact that a few graduates came to grief.

I have been attending the American Bar Association for a number of years, and have met many of the examiners from other states. A section of that Association is devoted to legal education, and I always attend its sessions. When I was honored with an appointment on our Board, I wrote to the other boards and procured copies of their examinations and rules. I found by comparison that our examinations are below the average. Thirty-nine states and dependencies have law examining boards or standing committees of lawyers for the same purpose. Many of them require a preliminary literary test. We do not. Many others require a given period of study (usually three years) in a law school or in the office of a practicing attorney. We do not. The examinations usually take more than one day. Ours are limited to one day. The majority prohibit a second examination until the lapse of a certain time, like our provision. The great majority require graduates of law schools to stand just like any other applicant, though some admit law graduates of certain schools without further examination.

The examinations of our State Medical Board extend over three days. Only graduates can stand their final test, and yet I am informed by the secretary that about a third fail. Are we willing to admit that our standard of scholarship should be less than theirs?

As to the complaint that our rule requires the unsuccessful applicant to wait a year before trying again, we have no such rule. This result follows as to one of the two examinations from the language of the statute. It provides that an applicant "may again apply *after six months* by showing to the Board that he has diligently pursued the study of the law six months prior to the second examination." This change was deliberate, as § 3191 of the Code (of which it was an amendment) had forbidden the Court from depriving an applicant of the privilege of standing the next succeeding examination. As no one would pretend to start his studies the morning after his first examination, before he knows whether he passed or not, this renders it necessary that one of the two examinations must be within six months of the other. It would be just as hard on the unsuccessful applicants of the November examination to make them wait a year as it now is on the June applicants. In fact, the November class is largely composed of men who can not afford a college course, and can less afford to wait.

Our examinations substantially correspond in time to those held by the Court of Appeals before our appointment. The June examination was fixed to suit the law schools as closely as possible. I have understood that the law professors themselves preferred that the other examination should not be placed as late as January, in

order to discourage members of their graduating class from attempting it before completing their course. However this may be, it is just about the time at which the Court of Appeals held theirs; and we followed their lead.

In the debate on the resolutions, Mr. Thom is reported to have said that character was the main requisite after all. If the other lawyers agree with him, I suggest that they exercise great care in their endorsements, and not permit the award of a certificate of honest demeanor to become a mere matter of routine.

Our Board will always be glad to confer with committees from the Bar Association, or to receive suggestions from any member of the bar. Personally I would not object to an amendment of the act which would permit unsuccessful applicants to stand the next succeeding examination.

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President Board of Law Examiners.